

Karen Schroeder

From: Varney, Lana <LVarney@KSLAW.com>
Sent: Wednesday, May 30, 2018 4:20 PM
To: Skeeter Salim
Cc: Thoma, Oliver; Derek Braslow; Mike Daly; Friedman, Robert; Shub, Lisa; Prosper-Chartier, Leila; Molson, Erin; hgarrard@bbga.com; Lisa Causey-Streete; Sharon Tolton; Riley Burnett
Subject: Re: Coloplast Written Discovery

We agree with Skeeter as to general causation discovery, however the orders we reference are addressing “case-specific” discovery – which is what is contemplated by the PTOs.

I will be glad to call Kate tomorrow and get clarification on the case specific discovery issue. Skeeter, although I wasn’t invited to join your call, please let me know if you’d like to join my call with Kate and I’ll loop you in.

Thanks,
Lana

On May 30, 2018, at 3:56 PM, Skeeter Salim <skeeter@cp-tel.net<mailto:skeeter@cp-tel.net>> wrote:

This is simply not correct. I talked with the court again today and all coloplast general discovery is still stayed. Glad to discuss but I talked with Kate Fife at 130 today.

From: Thoma, Oliver [mailto:OThoma@KSLAW.com]
Sent: Wednesday, May 30, 2018 2:52 PM
To: Derek Braslow <dbraslow@pbmattorneys.com<mailto:dbraslow@pbmattorneys.com>>
Cc: Mike Daly <mdaly@pbmattorneys.com<mailto:mdaly@pbmattorneys.com>>; Friedman, Robert <RFriedman@KSLAW.com<mailto:RFriedman@KSLAW.com>>; Shub, Lisa <LShub@KSLAW.com<mailto:LShub@KSLAW.com>>; Prosper-Chartier, Leila <LProsper-Chartier@KSLAW.com<mailto:LProsper-Chartier@KSLAW.com>>; Molson, Erin <EMolson@KSLAW.com<mailto:EMolson@KSLAW.com>>; hgarrard@bbga.com<mailto:hgarrard@bbga.com>; skeeter@cp-tel.net<mailto:skeeter@cp-tel.net>; lcausey@salim-beasley.com<mailto:lcausey@salim-beasley.com>; Sharon Tolton <stolton@pbmattorneys.com<mailto:stolton@pbmattorneys.com>>; Varney, Lana <LVarney@KSLAW.com<mailto:LVarney@KSLAW.com>>; rburnett@rburnettlaw.com<mailto:rburnett@rburnettlaw.com>
Subject: RE: Coloplast Written Discovery

Derek,

Because your 4 “dual product” cases were subject to wave orders in their respective MDLs (i.e., AMS, Bard, and BSC), those wave order deadlines carry over if and when your cases get transferred into the Coloplast MDL.

In section A.4.a of each PTO issuing the wave orders, there is a provision that states: “If any Wave [X] case is transferred to the Coloplast Corp. or Cook Medical MDL, then this docket control order shall remain in effect.” Consequently, you are still obligated to comply with the discovery and motion practice deadlines.

Alternatively, if you would agree to dismiss your cases against Coloplast, then you will not be subject to any discovery obligations.

Best,
Oliver

From: Derek Braslow [mailto:dbraslow@pbmattorneys.com]

Sent: Wednesday, May 30, 2018 1:53 PM

To: Thoma, Oliver

Cc: Mike Daly; Friedman, Robert; Shub, Lisa; Prosper-Chartier, Leila; Molson, Erin;

hgarrard@bbga.com<mailto:hgarrard@bbga.com>; skeeter@cp-tel.net<mailto:skeeter@cp-tel.net>; lcausey@salim-beasley.com<mailto:lcausey@salim-beasley.com>; Sharon Tolton

Subject: Re: Coloplast Written Discovery

Oliver,

Following up on my firm's four remaining Coloplast cases.

This afternoon, I was advised by Plaintiffs' Coloplast MDL leadership, copied here, and in consultation with the MDL Court, and contrary to your prior communications with me, that all Coloplast cases are stayed, regardless as to whenever they are dual product cases docketed in another product MDL, until further order of the Court.

Accordingly, we will not be abiding by any of the deadlines imposed by the Court in the other TVM product waves and will not be scheduling any depositions at this time.

If you have questions or concerns, please address them with Coloplast leadership copied here.

Regards,

Derek

Derek T. Braslow

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On May 18, 2018, at 7:11 PM, Thoma, Oliver <OThoma@KSLAW.com<mailto:OThoma@KSLAW.com>> wrote:
Counsel:

Attached please find Coloplast Corp.'s first set of Interrogatories, Requests for Production, and Requests for Admission in the following cases:

- Zaliya Akbasheva (2:17-cv-01804)
- Kay and Warren Gnegy (2:17-cv-04024)

- Lorie Henry (2:17-cv-03030)
- Donya and Ray R. Smith, Jr. (2:18-cv-00052)

Also, please note that we have not received a defendant-specific PFS from you in the Akbasheva, Henry, or Smith cases.

Please confirm receipt.

Best,
Oliver

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